IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 31447 of 2006(R)

PETITIONER:

SHIBU C.,
CHELLANATTU HOUSE, PIOUS NAGAR,
KANTHALLOR P.O., IDUKKI DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:

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1. DIVISIONAL FOREST OFFICER,
MUNNAR, IDUKKI DISTRICT.

2. THE FOREST RANGE OFFICER,
MARAYOOR FOREST RANGE OFFICE,
IDUKKI DISTRICT.

BY G.P. SMT.SUSHEELA BHAT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.31447 of 2006

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Dated this the 6th day of December, 2006.

JUDGMENT

Since the vehicle seized is subject to adjudication under Section 61A of the Forest Act, there will be direction to the first respondent to release the vehicle on petitioner furnishing Bank Guarantee for it's value which is to be determined by the first respondent after granting depreciation on original cost depending on number of years of use of the vehicle at the rate of 10% per year. Since the petitioner is allowed to use the vehicle which will lead to loss in value of the vehicle, the petitioner will give a further undertaking that in the event of confiscation, respondents can encash the Bank Guarantee instead of ordering surrender of the vehicle. In other words if vehicle is confiscated, the first respondent will treat the confiscation notional, encash the Bank Guarantee and credit the amount in the Government Treasury as value of seized vehicle. The confiscation proceedings should be completed within three months from the date of production of copy of this judgment.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms